REMARKS

Applicants have amended the claims to more clearly delineate the invention. This invention in its most basic form involves carrying, cutting and scoring rolled insulation. "Cutting" insulation refers to cutting the insulative material and the foil of the insulation. "Scoring" insulation refers to cutting the insulative material of the insulation without cutting the foil. It is the object of this invention to provide a device that carries a roll of insulation, dispenses insulation from the roll, cuts pieces of insulation, and simultaneously scores the insulative material (i.e., fiber) parallel to the cut edge at a an optimal depth. In order to simultaneously "cut" the insulative material and foil and "score" a portion of the insulative material from the foil, this invention utilizes a cutting plate on which a cutting groove and a scoring groove exist substantially parallel to each other. The presently claimed invention does not contemplate "scoring" a portion of insulative material from the foil utilizing a scoring path that is an elongated strip of elastomeric material, such as rubber. The Applicants, in contrast to the prior art, contemplate "scoring" a portion of insulative material from the foil utilizing a scoring path that is a groove.

Applicants will address each paragraph from the October 6, 2003 Office Action.

Paragraph 1

Applicants respectfully acknowledge that the inventorship of this application has been changed by adding Jerry Cheek as a co-inventor.

Paragraph 2-3

Applicants have amended claims 5-21 to overcome rejection pursuant to 35 U.S.C 122, second paragraph.

Paragraph 4-5

Claims 1, 4-10, 14-17 and 22-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Keon et al. As amended, claims 1, 4-10, 14-17 and 22-25 clearly differentiate over the device disclosed in Keon et al. Keon et al. does not disclose or suggest the invention. Keon et al.

discloses a method and apparatus for "severing" (same as applicants use of "cutting") a length of insulating batting and simultaneously cutting (same as applicants use of "scoring") only the insulating material, wherein the cutting path (same as applicants use of "scoring path") is an elongated strip of elastomeric material, such as rubber, without a groove. The cutting path is partially described in Col. 5, lines 32-42 and Col. 10, lines 52-63 of Keon et al. Also, the cutting path is depicted in Fig. 3.

As amended, claims 1, 4-10, 14-17 and 22-25 disclose a device, wherein said cutting means comprises: a cutting groove, a cutting blade having a cutting edge, and a scoring means comprising a scoring path, wherein said scoring path is a groove. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P § 2131 (8th Ed. 2001) (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the ... claim." M.P.E.P § 2131 (8th Ed. 2001) (citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). Applicants submit that the standard of anticipation has not been met because Keon et al. discloses a scoring path that is an elongated strip of elastomeric material, such as rubber, without a groove. Thus, because Keon et al. does not disclose a scoring path with a groove, Keon et al. does not disclose or suggest the presently claimed invention.

Paragraph 6-7

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keon et al. in view of Dueck et al., U.S. Patent 4,809,921, or Gordon, U.S. Patent 2,598,992. The rejections of

claims 2-3 as unpatentable under 35 U.S.C. § 103(a) are respectfully traversed, since a prima facie case of obviousness has not been made by the Examiner. To establish a prima facie case of obviousness under 35 U.S.C. § 103(a), each of three requirements must be met. First, the reference or references, taken alone or in combination, must teach or suggest each and every element recited in the claims. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. Third, a reasonable expectation of success must exist. Moreover, each of these requirements must "be found in the prior art, and not be based on applicant's disclosure." (See M.P.E.P. § 2143 (8th Ed. 2001)). Applicants submit that these requirements have not been met for at least the following reasons.

Neither Keon et al. alone nor Keon et al. in view of Dueck et al., U.S. Patent 4,809,921, or Gordon, U.S. Patent 2,598,992 teach or suggest each and every element recited in the claims. Dependent claims 2 and 3 disclose the device in claim 1 with further limitations. As amended, independent claim 1 discloses a device for carrying, cutting and scoring rolled insulation comprising a scoring means, wherein said scoring means comprises a scoring path, wherein said scoring path is a groove. The references cited by the Examiner do not teach or suggest a scoring path with a groove. Instead, Keon et al. discloses a scoring path that is an elongated strip of elastomeric material, such as rubber, without a groove. Thus, because neither Keon et al. alone nor Keon et al. in view of Dueck et al., U.S. Patent 4,809,921, or Gordon, U.S. Patent 2,598,992 teach or suggest each and every element recited in the claims, Applicants respectfully submit that claims 2-3 of the presently claimed invention are not disclosed or suggested by the prior art.

Paragraph 8

Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keon et al. The rejections of claims 11-13 as unpatentable under 35 U.S.C. § 103(a) are respectfully traversed, since a prima facie case of obviousness has not been made by the Examiner. To establish a prima facie case of obviousness under 35 U.S.C. § 103(a), each of three requirements must be met. First, the reference or references, taken alone or in combination, must teach or suggest each and every element recited in the claims. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. Third, a reasonable expectation of success must exist. Moreover, each of these requirements must "be found in the prior art, and not be based on applicant's disclosure." (See M.P.E.P. § 2143 (8th Ed. 2001)). Applicants submit that these requirements have not been met for at least the following reasons.

Keon et al. does not teach or suggest each and every element recited in the claims. Dependent claims 11 and 13 disclose the device in claim 5 with further limitations. As amended, independent claim 5 discloses a device for carrying, cutting and scoring rolled insulation comprising a scoring means, wherein said scoring means comprises a scoring path, wherein said scoring path is a groove. The reference cited by the Examiner does not teach or suggest a scoring path with a groove. Instead, Keon et al. discloses a scoring path that is an elongated strip of elastomeric material, such as rubber, without a groove. Thus, because Keon et al. does not teach or suggest each and every element recited in the claims, Applicants respectfully submit that claims 11-13 of the presently claimed invention are not disclosed or suggested by the prior art.

Paragraph 9

Applicants respectfully appreciate and acknowledge that the Examiner has allowed claims 18-21, as amended to overcome the rejection under 35 U.S.C. § 112, second paragraph.

CONCLUSION

Applicants respectfully submit that claims 1, 4-10, 14-17, and 22-25 are not anticipated by Keon et al. and claims 2-3 and 11-13 are not obvious in view of the prior art of record.

Respectfully Submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, on 12-22-03 in an envelope addressed to: Mail Stop: Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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